

Comments on Draft Emergency Rule
Energy and Carbon Savings Trust
Stephen Ward
September 16, 2008

A. Proposed replacement first sentence for “Purpose” Section

“The purpose of this Chapter is to address an availability of funding in 2008 that was not anticipated by the Legislature, for use in the 2008-2009 heating season, to provide energy efficiency services and measures for Maine citizens who use fossil fuels for home heat and consequently contribute to the production of greenhouse gases.”

B. Proposed second sentence in “Initial Finding” Section

“More specifically, the Trust finds that its authorizing legislation did not foresee that revenue would result from any RGGI auctions in 2008 and did not anticipate the availability of funding for fossil fuel projects prior to the Legislature's approval of Major Substantive Rules for the Trust in 2009”

C. Proposed additional sentence concluding Section 4(A): “Applying for Funding...”

“The Trust may reject applications for any reason and in particular if there is an inadequate demonstration that the cost effectiveness criteria set out in Section 5 have been fulfilled.”

D. Delete Section 5(B): “Non-Quantifiable Cost Effectiveness Test”

E. Add new section to Section 6: “Waiver or Exemption”

“The Trust may also grant a waiver, upon request, in the case of a program that does not satisfy the Modified Societal Test if:

1. Program benefits are known to exist but cannot be quantified with sufficient accuracy to conclude that program benefits exceed the program costs; and
2. The entire portfolio of emergency fossil fuel programs produces quantifiable benefits that substantially exceed total portfolio program costs.”

F. Termination of Emergency Rules: add new section

1. Termination of Emergency Rules

“This Chapter terminates and no longer has effectiveness at such time that permanent Major Substantive Rules are approved for the Trust pursuant to Title 5, Chapter 375, sub-chapter 2-A.”